



DENALI COMMISSION

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## **Finding of No Significant Impact**

### **Tununak All-Terrain Vehicle Trail Project – Eastside**

*31 March 2017*

I have reviewed the Environmental Assessment (EA) of the proposed Tununak All-Terrain Vehicle Trail Project completing the last three miles of the overall project to construct an ATV trail connecting the communities of Tununak and Toksook Bay.

IAW with Denali Commission regulations 45 C.F.R. 900.303 the draft FONSI and EA were published and hardcopies provided to the impacted communities. No comments were received.

Based upon my review of the EA I have concluded that the proposed project will not have a significant impact on the environment. I have further concluded that the proposed project will have a beneficial impact on the human environment in that the trail will protect the tundra from damage and facilitate overland transportation between Tununak and Toksook Bay residents.

A handwritten signature in blue ink, appearing to read "Joel Neimeyer", is written over a horizontal line.

Joel Neimeyer  
Federal Co-Chair  
Denali Commission

DENALI COMMISSION

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## Environmental Assessment

### Tununak All-Terrain Vehicle Trail Project – Eastside

7 March 2017

**Proposed Action:** Extension of the existing geocell All-Terrain Vehicle (ATV) and pedestrian trail between the villages of Tununak and Toksook Bay, Alaska. The original three miles of trail (Phase I) starting in Tununak was completed by the Western Federal Lands Highway Division (WFLHD) using Denali Commission funds in 2012. The proposed action covered by this Environmental Assessment is Phase II of the project, which would construct an additional three miles of trail to make the final connection into Toksook Bay. Phase II design and permitting documents were completed by WFLHD.

**No Action Alternative:** The Commission believes that a decision to not construct Phase II of the subject project would lead to the following adverse impacts.

- Additional tundra damage in the Phase II project area due to ATV traffic
- More difficult overland transportation between Tununak and Toksook Bay for local residents

**Assessment:** Pursuant to Section 900.302(b) of the Denali Commission National Environmental Policy Act Implementing Procedures, published in the Federal Register on August 11, 2016 the Commission hereby incorporates by reference the attached environmental analysis prepared and approved by WFLHD on January 30, 2014 for the proposed action, i.e., Phase II of the ATV Trail Project. The Commission has reviewed the analysis prepared by WFLHD concluded that it still accurately reflects the proposed project and potential environmental impacts. The Commission has also concluded that no further analysis is required.

**Public Input:** Comments on this Environmental Assessment can be sent to the following individual. The deadline for receiving comments is March 27, 2017.

Thomas Wolf, PE  
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U.S. Department  
of Transportation

**Federal Highway  
Administration**

Western Federal Lands Highway Division  
610 E. Fifth Street  
Vancouver, WA 98661  
Phone 360-619-7700  
Fax 360-619-7846

January 30, 2014

**CATEGORICAL EXCLUSION  
For  
AK DEN 2010(3)  
Tununak All Terrain Vehicle (ATV) Trail Project, Eastside**



## **INTRODUCTION**

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in cooperation with the Denali Commission (DEN) and the Native Villages of Tununak and Toksook Bay, is proposing to extend the geo-block ATV and pedestrian trail between the two villages, 3 miles farther southwest. The trail will be constructed on land owned the Native Village Corporations of Tununak, Toksook Bay and Nightmute. A trail easement was obtained from the three corporations for the construction and maintenance of the trail. The final location of the ATV trail has been constructed and marked within this easement. Tununak lies at approximately 60.585130 North Latitude and -165.255490 West Longitude in a small bay on the northeast coast of Nelson Island, 115 miles northwest of Bethel (Sec. 28, T006N, R091W, Seward Meridian.) Tununak, population 328, is located in the Department of Commerce, Community, and Economic Development, Community and Regional Affairs, <http://commerce.alaska.gov/cra/DCRAExternal/RUBA/ViewReport/728f919a-b111-454c-951a-046b55b70e13>.

## **PROPOSED ACTION**

The proposed project will place geo-blocks directly on top of the tundra beginning at approximately milepost 3.1 about halfway between Tununak and Toksook Bay, travelling in a southeasterly direction for approximately 3 miles over Nealruk Mountain. The alignment follows the marked trail to its end near a material source outside of Toksook Bay. The full length of the trail is signed with markers and posts. The geo-blocks will form a trail approximately 6-7 feet wide trail across the tundra providing a consistent travel way for ATV and pedestrian traffic. Where necessary the geo-blocks will be stabilized using galvanized helicoil anchors approximately 3 inches in diameter. There are no stream crossings on the remainder of the trail to Toksook Bay. Materials for the project (geo-blocks and anchors) will be barged in from commercial sources.

## **MATERIAL, DISPOSAL AND STAGING AREAS**

There are no government provided materials sources.

## **ANCILLARY SITES**

There may be some construction activities that will take place outside the construction limits that will require ground disturbance, occupation, clearing, or could result in some environmental impacts. Such activities may be material extraction, material wasting, water retrieval, staging, etc. These activities will take place at either commercial or non-commercial sources. Commercial sources are established, have provided material to public and private entities on a regular basis over the last two years, have appropriate state and local permits, and do not require expansion outside their currently established and permitted area.

Should a non-commercial source be used, use of the area: (a) will result in a "no historic properties affected" determination for properties on or eligible for listing to the National Register of Historic Places (NRHP) and (b) will have "no effect" to species or habitat listed as threatened or endangered under the Endangered Species Act (ESA) and (c) will not encroach into waters of the U.S. or wetlands protected under Executive Order 11990.

## ENVIRONMENTAL IMPACTS

### Land Use

The project area is surrounded by the Yukon Delta National Wildlife Refuge (YDNWR), although the project area is owned and managed by the TTC and a Tununmiut Rinit native corporation. The proposed project is located within the village of Tununak, where land uses includes housing, public and commercial properties, and nearby subsistence areas (e.g., Tununak River). The Tununak Airport is also located within 0.5 miles west-southwest of the village.

The U.S. Fish and Wildlife Service (USFWS) developed a Land Conservation Plan (LCP) for the YDNWR in 2004. Although the refuge is managed for wildlife and habitat within the area, the LCP states that, "Providing an opportunity for [the subsistence lifestyle] is one of the primary purposes of the Yukon Delta Refuge." While the project would not be physically located on the refuge, consistency with the LCP was considered with respect to potential indirect impacts because the refuge encompasses the project site.

### Environmental Justice

The total population of Tununak is comprised of a 96 percent American Indian and Alaska Native alone or in combination with another race (U.S. Census Bureau 2010). Of the 327 individuals within the village, 25 percent are living below poverty. The proposed project will not require easements and structure acquisition within the village. No displacement of individuals within the low-income and/or minority populations will occur. Although the proposed project would likely impact these populations, it is anticipated that the project would ultimately benefit these populations because the purpose of the project is to meet the transportation needs of the community.

### Cultural Resources

WFLHD conducted a review of the Alaska Heritage Resources Survey (AHRS) database for known cultural sites within the project area. The AHRS listed two previous recorded historic properties near Tununak and Toksook Bay. These sites are made up of house pits and other dwelling artifacts and are located along the coastlines. There is one site on Nealruk Mountain closer to the project area but well outside of the proposed project's APE. Additionally, the geotextile blocks to be placed on the east side of Nealruk Mountain will not be visible from the site and will not affect the setting of it. As there are no previously recorded sites within the APE, and ground disturbing activities will only include placing small wooden bridges over approximately ten small drainages, the WFLHD made a determination that there would be "*no historic properties affected*" as a result of the project. WFLHD submitted to the Alaska State Historic Preservation Office (SHPO) on October 19, 2010 a request for concurrence on this determination. On December 15, 2010 the SHPO concurred with this finding.

Should operations encounter any prehistoric artifacts, burials, remains of dwelling sites, paleontological remains, shell heaps, land or sea mammal bones, tusks, or other items of historical or archaeological significance, operations will immediately cease at the site of the discovery and SHPO will be notified.



## **Section 4(f)**

Section 4(f) of the Department of Transportation Act of 1966 states that “the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless: (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation areas, wildlife and waterfowl refuge, or historic sites resulting from such use.”

There is no section 4(f) use associated with this action.

## **Executive Order 13175 Consultation and Coordination with Indian Tribal Governments**

Executive Order 13175 established a requirement for regular and meaningful consultation between federal and tribal government officials on federal policies that have tribal implications. The Native Village of Tununak nominated the proposed project for funding from the Denali Commission. WFLHD has held several public meetings in Tununak and Toksook Bay in 2009 and 2010 to solicit input on the best location of the trail and to hear any other concerns the communities had on the proposed project. The WFLHD has also assisted Tununak in obtaining a grant from the USFWS to train locals in the techniques of geotextile block trail construction and maintenance.

## **Threatened and Endangered Species**

The Steller's eider and spectacled eider are both listed as threatened under the ESA and are known to have wintering and migration ranges on Nelson Island. However, Nelson Island is not designated as critical habitat for either species. Although eiders are believed to migrate through the project area, it is uncertain when this migration actually occurs (USFWS-coordination January, 2011). As the project will not be placing any structure that could possibly impede with the migration (power lines or other tall structures) or movement through the area, and will not be affecting the marine environment, the WFLHD determined that the project will have “*no effect*” to either the Steller's or spectacled eiders. The WFLHD coordinated with the US Fish and Wildlife Service's on this determination on January 5th, 2011. The USFWS concurred that the project would “*not likely adversely affect*” Steller's or spectacled eiders (Consultation number 2011-0046). This concluded consultation under Section 7 of the ESA. In the event that any spectacled eiders are encountered during project construction, the Anchorage Field Office of the Alaska US Fish and Wildlife Service will be contacted and disturbance to eiders will be minimized by avoiding the areas where the birds are present.

## **Wetlands and Waters of the US**

In accordance with Executive Order 11990, Protection of Wetlands, the effects of project activities on wetlands have been evaluated. The proposed project will not impact wetlands or other waters of the US. Coordination with the US Army Corps of Engineers (January 2011, Alaska District, Anchorage) confirmed that the placement of geotextile blocks on wetlands does not require a Section 404 authorization provided the blocks are open so that plants can grow through the cells; no fill material is placed under the blocks or in the cells (including the

prohibition of leveling or pushing local material from a high area into a lower area); and, the blocks are not placed below the ordinary high water line if adjacent to a major river or coast. This action complies with Executive Order (EO) 11990.

### **Executive Order 11988- Floodplain Management**

EO 11988 directs all federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains. The proposed action is not within a Federal Emergency Management Agency (FEMA) regulated floodplain.

### **Essential Fish Habitat**

Under the Magnuson Stevens Fishery Conservation and Management Act, the USACE considered the potential effects to Essential Fish Habitat (EFH). There are no anadromous fish or EFH present in the project area (Alaska Department of Fish and Game, 2010). Therefore the project will have no adverse effects to EFH.

### **Alaska Coastal Management Program**

The Alaska Division of Coastal and Ocean Management reviews projects for consistency with the Alaska Coastal Management Program (ACMP). The proposed project area falls within the Nunivak Island and Baird Inlet Coastal Zone Boundary. Under the ACMP, consistency determinations are necessary for federal agencies when the proposed project requires a federal or state permit and when the federal agency determines that coastal zone statewide standards (11.AAC.112.80) apply to the proposed project. Per the coastal zone statewide standards for transportation routes and facilities, federal agencies should submit a coastal zone consistency determination for review by the state if proposed activities effect the following (1) alterations in surface and ground water drainage patterns; (2) disruption in known or reasonably foreseeable wildlife transit; and (3) blockage of existing or traditional access. The proposed project will not affect surface hydrology or drainage, will not disrupt wildlife migration or traditional access and there are no federal or state permits required for the proposed project. Based on the above, the proposed project does not require a consistency determination or state review under the ACMP and no further review is necessary.

If changes to the approved project (such as methods, scope, or location of the proposed activities) are made prior to or during construction, the applicant is required to notify the permitting and authorizing agencies immediately to determine whether further review and approval of the revised project is necessary.

### **Permits**


No permits are required for the proposed action.

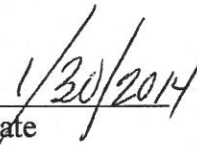
### **CONCLUSION**

Consistent with the FHWA regulations and based upon the above considerations, WFLHD has determined that this action (1) will not have a significant effect on the human environment and (2) falls within the category of actions covered by the FHWA's categorical exclusion regulations and therefore meets the categorical exclusion definition contained in 40 CFR 1508.4. WFLHD finds this work constitutes an action covered under the National Listing of Categorical


Exclusions, 23 CFR 771.117(a) because: 1) the action will not induce significant impacts to planned growth or land use in the area; 2) the action will not require the relocation of any people; 3) the action will not have a significant impact on any natural, cultural, recreational, historic or other resource.; 4) the action will not involve significant air, noise or water quality impacts; 5) the action will not have significant impacts on travel; and 6) the action will not otherwise, either individually or cumulatively, have any significant environmental impacts. The proposed project does not include any unusual circumstances as listed in 23 CFR 771.117(b) that would make the Categorical Exclusion classification improper. Furthermore, the WFLHD finds this work to be consistent with actions in the National Listing of Categorical Exclusions, 23 CFR 771.117 because it is similar in scope to (c)(3) construction of bicycle and pedestrian lanes, paths and facilities (d)(3) bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings. Furthermore the proposed transportation improvements do not include any unusual circumstances as listed in 23 CFR 771.117(b) that would make this categorical exclusion classification improper.

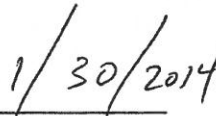
**RECOMMENDED BY:**

  
Denise Steele  
Environmental Protection Specialist

  
Date

**APPROVED BY:**

  
Heather Wills  
Environmental Program Manager

  
Date